



## COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Hedy Chang, Mayor Pro Tempore	Hedy L. Chang, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

**WEDNESDAY, SEPTEMBER 17, 2003**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL SPECIAL AND REGULAR MEETING**

**and**

**REDEVELOPMENT AGENCY SPECIAL MEETING**

**6:00 P.M.**

***A Special Meeting of the City Council and Redevelopment Agency is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions.***

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**Dennis Kennedy, Mayor/Chairman**

**CALL TO ORDER**

(Acting Mayor Pro Tem/Acting Vice-Chairperson Sellers)

**ROLL CALL ATTENDANCE**

(City Clerk/Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk/Agency Secretary Torrez)

**6:00 P.M.**

***City Council Action and Redevelopment Agency Action***

**CLOSED SESSION:**

**1.**

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Authority: Government Code Sections 54956.9(b) & (c)  
Number of Potential Cases: 4

**OPPORTUNITY FOR PUBLIC COMMENT**

**ADJOURN TO CLOSED SESSION**

**RECONVENE**

**CLOSED SESSION ANNOUNCEMENT**

**7:00 P.M.**

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CITY COUNCIL REPORT**

Council Member Tate

**CITY COUNCIL SUB-COMMITTEE REPORTS**

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**OTHER REPORTS**

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE  
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

## City Council Action

### CONSENT CALENDAR:

**ITEMS 1 - 11**            The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
1.	<b><u>AUGUST 2003 FINANCE &amp; INVESTMENT REPORT</u></b> .....	<b>1</b>
	<b><u>Recommended Action(s):</u> <u>Accept</u> and <u>File</u> Report.</b>	
2.	<b><u>FINAL FISCAL YEAR 2002-2003 BUDGET ADJUSTMENTS</u></b> .....	<b>27</b>
	<b><u>Recommended Action(s):</u> <u>Approve</u> the Proposed Final Budget Adjustments for Fiscal Year 2002-2003.</b>	
3.	<b><u>FOR SALE ATTACHED HOUSING SUBCOMMITTEE</u></b> .....	<b>39</b>
	<b><u>Recommended Action(s):</u> If Appropriate, <u>Identify Council Representative</u> to Join Attached Housing Subcommittee.</b>	
4.	<b><u>APPROVAL OF PACIFIC GAS &amp; ELECTRIC (PG&amp;E) FEES FOR AQUATICS CENTER</u></b> .....	<b>41</b>
	<b><u>Recommended Action(s):</u> <u>Approve</u> Payment of Fees to PG&amp;E for the Aquatics Center in the Amount of \$188,592.74.</b>	
5.	<b><u>APPROVAL OF IMPROVEMENT AGREEMENT FOR JASMINE SQUARE</u></b> .....	<b>43</b>
	<b><u>Recommended Action(s):</u></b>	
	1. <b><u>Approve</u> the Improvement Agreement; and</b>	
	2. <b><u>Authorize</u> the City Manager to Sign the Agreement on Behalf of the City with South County Housing.</b>	
6.	<b><u>AWARD OF BID FOR SAN PEDRO PONDS FENCING PROJECT</u></b> .....	<b>55</b>
	<b><u>Recommended Action(s):</u></b>	
	1. <b><u>Appropriate</u> an Additional \$25,000 for the Project with Additional Prop. 12 Grant Funding; and</b>	
	2. <b><u>Award</u> Contract to Cyclone Fence and Iron (CFI) for the Construction of Fencing and Gates in the Amount of \$87,010.</b>	
7.	<b><u>UTILITY UNDERGROUNDING FEE DEFERRAL PROGRAM</u></b> .....	<b>61</b>
	<b><u>Recommended Action(s):</u></b>	
	1. <b><u>Adopt</u> Resolution Approving the Utility Undergrounding Fee Deferral Program; and</b>	
	2. <b><u>Authorize</u> the City Manager to Implement the Program and Make Modifications to the Program, as Appropriate, So Long as All Loan Requests above \$50,000 are Brought Back to the City Council for Approval.</b>	
8.	<b><u>SECOND AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF SHUTE, MIHALY &amp; WEINBERGER, LLP</u></b> .....	<b>65</b>
	<b><u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to Execute a Second Amended Agreement with the Law Firm of Shute, Mihaly &amp; Weinberger, LLP.</b>	

Time Estimate  
Consent Calendar: 1 - 10 Minutes

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9. **ADOPT ORDINANCE NO. 1632, NEW SERIES** .....81  
**Recommended Action(s):** **Waive** the Reading, and **Adopt** Ordinance No. 1632, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1472, NEW SERIES, TO AMEND DEVELOPMENT AGREEMENT DA 99-04 TO ALLOW AMENDMENT TO THE SCHOOLS CATEGORY COMMITMENT FOR MEASURE P PROJECT MP-98-24: E. DUNNE-O'CONNELL.**
10. **ADOPT ORDINANCE NO. 1633, NEW SERIES** .....85  
**Recommended Action(s):** **Waive** the Reading, and **Adopt** Ordinance No. 1633, New Series, as Amended, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1503, NEW SERIES, TO AMEND DEVELOPMENT AGREEMENT DA 00-07 TO ALLOW FOR FLEXIBILITY IN THE CIRCULATION AND SCHOOL CATEGORY COMMITMENTS FOR MEASURE P PROJECT MP-99-16: E. DUNNE-TROVARE.**
11. **ADOPT ORDINANCE NO. 1634, NEW SERIES** .....91  
**Recommended Action(s):** **Waive** the Reading, and **Adopt** Ordinance No. 1634, New Series, as Amended, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1511, NEW SERIES, TO AMEND DEVELOPMENT AGREEMENT DA 01-01 TO ALLOW FOR FLEXIBILITY IN THE SCHOOLS AND CIRCULATION CATEGORY COMMITMENTS FOR MEASURE P PROJECT MP 00-29: E. DUNNE-TROVARE.**

## ***City Council and Redevelopment Agency Action***

### **CONSENT CALENDAR:**

ITEMS 12 - 13

Time Estimate  
Consent Calendar: 1 - 10 Minutes

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12. **APPROVE JOINT SPECIAL AND REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING MINUTES FOR AUGUST 27, 2003** .....97
13. **APPROVE JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES FOR SEPTEMBER 3, 2003** .....115

## City Council Action

### PUBLIC HEARINGS:

	<u>Time Estimate</u>		<u>Page</u>
14.	10 Minutes	<b><u>GENERAL PLAN AMENDMENT APPLICATION: GPA 02-08: MONTEREY-PINN BROTHERS</u></b> (Continued from August 20, 2003 Meeting) ..... Public Hearing Reconvened. Public Hearing Closed Please Limit Your Remarks to 3 Minutes. Council Discussion.  Action- <b><u>Motion to Table</u></b> This Item. <b><u>OR</u></b> Action- <b><u>Motion to Approve</u></b> Mitigated Negative Declaration.  Action- <b><u>Motion to Adopt</u></b> Resolution Denying General Plan Amendment  Action- <b><u>Motion to Adopt</u></b> Resolution Approving Adjustment to Boundary Between Multi-Family Medium and Commercial General Plan Land Use Designations.	141
15.	15 Minutes	<b><u>CONVERSION OF RESIDENTIAL UNITS FOR COMMERCIAL USES IN THE DOWNTOWN AREA</u></b> ..... Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <b><u>Motion to Waive</u></b> the Reading in Full of Ordinance Amending Chapter 3.56 of the Municipal Code. Action- <b><u>Motion to Introduce</u></b> Ordinance Amending Chapter 3.56 of the Municipal Code by Title Only. (Roll Call Vote)  Action- <b><u>Motion to Waive</u></b> the Reading in Full Ordinance Amending Chapter 12.02 of the Municipal Code. Action- <b><u>Motion to Introduce</u></b> Ordinance Amending Chapter 12.02 of the Municipal Code by Title Only. (Roll Call Vote)	169

### FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

### ADJOURNMENT